

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 842 of 2005

Jabalpur, this the 10th day of November, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Arun Makwana, S/o. late Khoobchand
Makwana, aged about 42 years,
Occupation – Technician Grade-II,
O/o. SSC TRD PSI Ujjain, R/o. 1004-A,
Railway Loco Colony, Ujjain (MP).

.... Applicant

(By Advocate – Shri K.N. Pethia)

V e r s u s

1. Union of India, through the General Manager, Western Railways, Church Gate, Mumbai.
2. Divisional Railway Manager, Western Railways, Ratlam Division, Ratlam.
3. Senior Divisional Electrical Engineer, Western Railways, TRD, Ratlam.

.... Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R (Oral)

By filing this Original Application the applicant has claimed the following main reliefs :

“i. that a writ in the nature of certiorari may kindly be issued to quash the order dt. 12.8.2005 contained in Ann-A-1 passed by the respondent No. 3 in so far as it relates to the present applicant and the respondents be directed to adjust the applicant at Ujjain itself as in other cases they have adjusted the Technical Staff and even after restructuring, the places where they are working, or

ii. in the alternative, the applicant prays that he may be posted at Ratlam against the vacant post of TCN Gr-II as the post of TCN Gr-II is lying vacant at Ratlam.”

2. The brief facts of the case are that the applicant has entered in the service of the respondents Department in the year 1981 as Casual Khalasi.



Thereafter, he was given regular appointment on the post of Khalasi and further promoted to the post of Senior Khalasi. He was also promoted on the post of TCN Grade-III and further to TCN Grade-II. He is presently posted at Ujjain. The respondents have decided for restructuring of technical staff and thus he has been transferred from Ujjain to Makshi vide Annexure A-1 on the same post of TCN Grade-II. The respondents have not transferred the other surplus employees who are working with the applicant. Hence, this Original Application is filed.

3. In reply filed by the respondents it has been mentioned by the respondents that this is not a transfer as a result of restructuring but it is a transfer purely on administrative exigency and in this regard the applicant has submitted a representation dated 1.9.2005 (Annexure A-5) which is still pending with the respondents for consideration and the applicant before waiting for the decision on the same has filed the present Original Application within 10 days of filing of the representation.

4. Heard the learned counsel for the parties and carefully perused the pleadings and records.

5. At this stage, I feel that ends of justice would be met if I direct the respondents to consider and decide the aforesaid representation of the applicant dated 1.9.2005 (Annexure A-5) which is still pending in their office, within a period of one month from the date of receipt of a copy of this order, by passing a speaking, detailed and reasoned order. I do so accordingly. Till the said representation of the applicant is decided by the respondents, he be not disturbed from the present place of posting.

6. Accordingly, the Original Application stands disposed of, with no order as to costs.


(Madan Mohan)
Judicial Member